**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION III**
**1650 Arch Street**
**Philadelphia, Pennsylvania 19103-2029**

05/18/2021

**VIA ELECTRONIC MAIL**
**RETURN RECEIPT REQUESTED**

Mr. Robert Hofstetter, President
Petroleum Recovery and Remediation Management, Inc.
2138 Priest Bridge Ct., Ste. 10
Crofton, MD 21114
hop@petromgt.net

**Re: Notice of Violation and Opportunity to Confer**

Dear Mr. Hofstetter:

The U.S. Environmental Protection Agency ("EPA" or "Agency") is issuing the enclosed Notice of Violation and Opportunity to Confer ("NOVOC") to Petroleum Recovery and Remediation Management, Inc. d/b/a Petroleum Management, Inc. ("PMI") under Section 113(a) of the Clean Air Act ("Act"), 42 U.S.C. § 7413(a), for violations at its facility located at 5220 and 5218 Curtis Avenue, Baltimore, MD 21226. The enclosed NOVOC constitutes notice of a finding of violation under Section 113(a)(1), 42 U.S.C. § 7413(a)(1). Based on information available to the EPA, the Agency finds that PMI is violating federally-enforceable requirements and prohibitions of the Maryland State Implementation Plan, including provisions for Nonattainment New Source Review and Title V. The EPA also finds that PMI is violating the National Emissions Standards for Hazardous Air Pollutants, codified at 40 C.F.R. Part 63.

Section 113 of the Act, 42 U.S.C. § 7413, gives the EPA several enforcement options to resolve these violations. The EPA is offering PMI the opportunity to request a conference, by email, to discuss the violations identified in the enclosed NOVOC. PMI should respond and request a conference call within ten days following receipt of the NOVOC. This conference will provide PMI an opportunity to present information on the identified violations, any efforts taken to comply with the applicable regulations, and the steps PMI will take to prevent future violations. PMI may have legal counsel on this conference call.

To request a conference with EPA and provide the Agency with information regarding the violations identified in the NOVOC, please contact Bruce Augustine, the EPA contact in this matter at augustine.bruce@epa.gov or (215) 814-2131. Alternatively, your counsel may contact Hannah Leone, Assistant Regional Counsel, at leone.hannah@epa.gov or (215) 814-2673.

Sincerely,

KAREN MELVIN

Digitally signed by KAREN MELVIN
Date: 2021.05.18 12:11:34 -04'00'

Karen Melvin, Director
Enforcement & Compliance Assurance Division

Enclosure: Notice of Violation and Opportunity to Confer

cc: Evan Belser, EPA (Belser.Evan@epa.gov)

Frank Courtright, Manager, MDE (frank.courtright@maryland.gov)
Kathryn Caballero, EPA (Caballero.Kathryn@epa.gov)
Christopher Williams, EPA (Williams.Christopher@epa.gov)
W. Scott Alexander, Operations Manager, Petroleum Management, Inc. (scott@petromgt.net)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION III**
**Philadelphia, Pennsylvania 19103**

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| **IN THE MATTER OF:** | ) | |
| | ) | |
| **PETROLEUM RECOVERY AND REMEDIATION MANAGEMENT, INC. d/b/a/ PETROLEUM MANAGEMENT, INC.** | ) | **NOTICE OF VIOLATION AND OPPORTUNITY TO CONFER** |
| **2138 PRIEST BRIDGE CT., STE. 10 CROFTON, MD 21114,** | ) | **DOCKET NO. CAA-03-21-006** |
| **Respondent,** | ) | **Proceeding under Section 113(a) of the Clean Air Act** |
| **PETROLEUM RECOVERY AND REMEDIATION MANAGEMENT, INC. 5220 and 5218 CURTIS AVE. BALTIMORE, MD 21226** | ) | |
| **Facility.** | ) | |

## NOTICE OF VIOLATION AND OPPORTUNITY TO CONFER

The U.S. Environmental Protection Agency ("EPA") is providing this Notice of Violation and Opportunity to Confer ("NOVOC") under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a) ("the Act" or "CAA"), to inform Petroleum Recovery and Remediation Management, Inc. d/b/a Petroleum Management, Inc. ("PMI") of violations set forth in detail in the paragraphs that follow.

Based on information currently available, the EPA finds that PMI is in violation of the requirements and prohibitions of the Maryland State Implementation Plan ("Maryland SIP"), including Nonattainment New Source Review ("NNSR"), as well as Title V provisions and provisions of the National Emissions Standards for Hazardous Air Pollutants ("NESHAP"), codified at 40 C.F.R. Part 63 at its facility located at 5220 and 5218 Curtis Avenue, Baltimore, MD 21226 (hereinafter "Facility").

## I. STATUTORY AND REGULATORY BACKGROUND

1. The purpose of the CAA is to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population. CAA Section 101(b)(1), 42 U.S.C. § 7401(b)(1).

### National Ambient Air Quality Standards

2. Section 108(a) of the Act, 42 U.S.C. § 7408(a), requires the Administrator of the EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each

such "criteria" pollutant, Section 109 of the CAA, 42 U.S.C. § 7409, requires the EPA to promulgate national ambient air quality standards ("NAAQS") requisite to protect the public health and welfare.

3. Pursuant to Sections 108 and 109 of the Act, 42 U.S.C. §§ 7408 and 7409, the EPA has identified ozone, among others, as a criteria pollutant, and has promulgated NAAQS for ozone. Certain precursors to ozone formation, such as volatile organic compounds ("VOCs") and oxides of nitrogen ("NOx"), are regulated as part of the air quality standards for ozone itself. 40 C.F.R. §§ 50.6-50.11.

4. Under Section 107(d) of the Act, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality either meets or does not meet the NAAQS for each criteria pollutant, or where the air quality cannot be classified due to insufficient data. An area that meets the NAAQS for a particular criteria pollutant is termed an "attainment" area with respect to such pollutant. An area that does not meet the NAAQS for a particular criteria pollutant is termed a "nonattainment" area with respect to such pollutant. Air quality designations can be found at 40 C.F.R. Part 81.

5. In 2011, at the time of its construction and initial startup, the Facility, located in Baltimore City, Maryland, was within an ozone nonattainment area. Baltimore City was designated on June 15, 2004 as in "serious" nonattainment under the 1997 8-hour ozone standard; and "moderate" nonattainment under the 2008 8-hour standard on July 20, 2012. As of August 3, 2018, Baltimore City has been and is currently designated as in "marginal" nonattainment under the 2015 8-hour ozone standard. *See* 69 Fed. Reg. 23,951 (April 30, 2004); 83 Fed. Reg. 25,776 (June 4, 2018).

6. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to the EPA for approval a plan that provides for the attainment and maintenance of the NAAQS in each air quality control region within each state. This plan is known as a State Implementation Plan ("SIP").

7. Upon the EPA's approval, the SIP requirements are federally enforceable under Section 113 of the CAA, 42 U.S.C. § 7413(a) and (b); *see also* 40 C.F.R. § 52.23.

**The Maryland State Implementation Plan**

8. At all times relevant to this NOVOC the applicable sections of the Code of Maryland Regulations ("COMAR") listed herein have been approved by the EPA and incorporated into the federally enforceable Maryland SIP. 40 C.F.R. § 52.1070.

9. The Maryland SIP regulations are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality.

10. The Maryland SIP requires "[a] permit to construct and an approval from the [the Maryland Department of the Environment] is required before construction or modification of a source, except as specified in Regulation .10 of this chapter. COMAR 26.11.02.02.

**Maryland New Source Review**

11. The Maryland regulations governing construction, modifications, and New Source Review ("NSR") are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 02 Permits, Approvals, and Registration. In 2003, the EPA approved a revision to the Maryland SIP amendments that provided for the Maryland NSR rules relevant to this NOVOC. 68 Fed. Reg. 9,012 (Feb. 27, 2003).

12. The Maryland regulations governing Non-Attainment New Source Review ("NNSR") are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 17 Nonattainment Provisions for Major New Sources and Major Modifications. In 2012, the EPA approved a revision to the Maryland SIP amendments that provide for the Maryland NNSR rules relevant to this NOVOC. 77 Fed. Reg. 45,949 (Aug. 2, 2012). The EPA has approved several revisions to the Maryland NNSR rules, the most recent being in 2015. 80 Fed. Reg. 39,968 (July 13, 2015).

13. The Maryland SIP, at the time of the construction of the PMI Facility described herein, provides that "a person may not construct or modify or cause to be constructed or modified any [New Source Review source] without first obtaining, and having in current effect, the specified permits to construct and approvals." COMAR 26.11.02.09A(1) (2009). The Maryland SIP also includes COMAR 26.11.17.03 which provides, "[a] person who proposes to construct or modify an emissions unit subject to this chapter may not commence construction of the emissions unit without first obtaining all permits and approvals required under this subtitle."

14. The Maryland SIP, at all times relevant herein, defines a "New Source Review Source" ("NSR source") as "any major stationary source or major modification subject to the requirements of COMAR 26.11.17". COMAR 26.11.01.01B(24).

15. The Maryland SIP, at all times relevant herein, defines, in part, a "major stationary source" within a nonattainment area as "any stationary source of air pollution which emits or has the potential to emit 25 tons per year (TPY) or more of VOC or NOx for sources located in Baltimore City or Anne Arundel, Baltimore, Carroll, Cecil, Harford, Howard, Calvert, Charles, Frederick, Montgomery, or Prince George's counties." COMAR 26.11.02.01C(1)(c)(i); COMAR 26.11.17.01B(17)(a)(i).

16. The Maryland SIP, at all times relevant herein, defines "stationary source" as "a building, structure, facility, or installation that emits or may emit a regulated air pollutant or a pollutant listed under § 112(b) of the Clean Air Act." COMAR 26.11.02.01B(54).

17. The Maryland SIP, at all times relevant herein, defines a "major modification" as "any physical change in, or change in the method of operation of, a major stationary source that would result in a significant emissions increase and a significant net emissions increase of any regulated NSR pollutant," as that term is defined in COMAR 26.11.17.01B(24). COMAR 26.11.17.01B(16); *see also* COMAR 26.11.17.01B(16).

18. The Maryland SIP, at all times relevant herein, defines, in part, "significant", in reference to a net emissions increase for VOCs, as the potential of a source to emit a regulated NSR pollutant, or a rate of emissions that would equal or exceed 25 TPY in Baltimore City. COMAR 26.11.17.01B(26).

19. The Maryland SIP, at all times relevant herein, defines "installation" as "any article, machine, equipment, or other contrivance, including, but not limited to, emission control equipment, processing equipment, manufacturing equipment, fuel-burning equipment, incinerators, or any equipment or construction, capable of generating, causing, or reducing emissions." COMAR 26.11.01.01B(19); *see also* COMAR 26.11.17.01B(6).

20. The Maryland SIP, at all times relevant herein, defines potential to emit ("PTE") as "the maximum capacity of a stationary source to emit an air pollutant under its physical and operational design. A physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the EPA." COMAR 26.11.02.01B(41); *see also* COMAR 26.11.17.01B(21).

21. The Maryland SIP at all times relevant herein provides that a person who proposes to construct or modify a major stationary source in an area designated as nonattainment shall meet "an emission limitation which specifies the lowest achievable emissions rate." COMAR 26.11.17.03B(2).

22. The Maryland SIP, at all times relevant herein, defines lowest achievable emissions rate ("LAER") as "the more stringent rate of emissions based on the following: (i) The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that these limitations are not achievable; or (ii) The most stringent emissions limitation which is achieved in practice by the class or category of stationary sources, with this limitation, when applied to a modification, meaning the lowest achievable emissions rate for the new or modified emissions units within the stationary source." COMAR 26.11.17.01B(15)(a).

23. The Maryland SIP, at all times relevant herein, also requires that a person proposing to construct or modify a major stationary source of VOC and/or NOx, in Baltimore City, to provide for emission offsets for VOC and NOx from existing sources in the area impacted that equal or exceed 1.3 to 1. COMAR 26.11.17.03B(3)(a).

**General Emission Standards, Prohibitions, and Restrictions**

24. The Maryland regulations governing General Emission Standards, Prohibitions and Restrictions for VOCs are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 06 General Emission Standards, Prohibitions, and Standards. In 2001, EPA approved a revision to the Maryland SIP amendments that incorporated into the SIP the General Emissions Standards, Prohibitions, and Standards relevant to this NOVOC. 66 Fed. Reg. 22,924 (May 7, 2001).

25. A person who proposes to construct or modify an emissions unit and does not apply for and obtain a NNSR Permit pursuant to COMAR 26.11.17.03A, is subject to the regulations under COMAR 26.11.06.06.

26. The Maryland SIP, at all times relevant herein, defines "emissions unit" as "any part of a stationary source which emits, or would have the potential to emit, a regulated NSR pollutant." COMAR 26.11.17B(11).

27. The Maryland SIP, at all times relevant herein, provides that for Facilities in Baltimore City, unless an exemption under COMAR 26.11.06.06E applies, a person may not cause or permit the discharge of VOC with a vapor pressure greater than 0.002 pounds per square inch absolute (psia) from any installation constructed on or after May 12, 1972, in excess of 20 pounds per day unless the discharge is reduced by 85 percent or more overall. COMAR 26.11.06.06B(1)(b); *see also* COMAR 26.11.06.06A(2).

28. The Maryland SIP, at all times relevant herein, defines "installation", for the purpose of Regulation .06 of Chapter 6, as "an installation as defined in COMAR 26.11.01.01 that can operate independently and that causes VOC emissions to the atmosphere. If equipment at a premise does not operate independently but operates as part of a process line, the process line is considered to be the installation." COMAR 26.11.06.06B(1).

29. The Maryland SIP, at all times relevant herein, provides that "a person may not cause or permit the discharge of VOC from single or multiple compartment VOC-water separators that receive effluent water containing 200 gallons of VOC or more per day with a true vapor pressure of 1.5 pounds per square inch (psi) or greater unless one or more of the listed vapor control devices are properly installed and operated." COMAR 26.11.06.06C.

30. The Maryland SIP, at all times relevant herein, provides that "[a] person may not treat or dispose of waste containing VOC in a manner that results in evaporation of greater than 20 pounds per day VOC to the atmosphere." COMAR 26.11.06.06D(2).

**Maryland Emissions Statements**

31. The Maryland regulations governing Emissions Statements are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 01 General Administrative Provisions. In 1994, EPA approved a revision to the Maryland SIP that incorporated into the SIP the Emissions Statement requirements relevant to this NOVOC. 59 Fed. Reg. 51,517 (Oct. 12, 1994).

32. The Maryland SIP, at all times relevant herein, provides that a person who owns or operates a source contributing to air pollution shall submit to the [Maryland Department of the Environment] a certified emissions statement for each source located in Baltimore City that has total actual emissions of either VOC or NOx from all installations and sources on a premises of 25 tons or more during a calendar year. COMAR 26.11.01.05-1A(1) and 26.11.01.05-B(1)-(3).

33. A certified emissions statement shall "include the following information: (1) Identification of each installation or source at the premises that discharges VOC or NOx, and the actual daily and annual emissions from each installation or source; (2) An explanation of the method used to determine emissions from each installation or source and operating schedule and production data that were used to determine emissions; (3).[A]n explanation for any increases or decreases in emissions for each installation or source if reported emissions differ from the emissions reported in the previous year's emissions statement; and (4) Other relevant information as required by the [the Maryland Department of the Environment]" COMAR 26.11.01.05-1C.

**CAA Title V Requirements**

34. Title V of the Clean Air Act, 42 U.S.C. §§ 7661–7661f, establishes an operating permit program for certain sources, including in part, major sources, or any source required to have a NNSR Permit. 42 U.S.C. § 7661a(a).

35. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), no person may operate an affected source subject to a Title V permit except in compliance with a Title V permit.

36. An "affected source" is defined as one or more units that are subject to emission reduction requirements or limitations." 42 U.S.C. § 7651a(1) and (2*).*

37. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations implementing the requirements of Title V and establishing the minimum elements of a Title V permit program to be administered by any state or local air pollution control agency. 57 Fed. Reg. 32,250 (July 21, 1992). These regulations are codified at 40 C.F.R. Part 70.

38. Section 503 of the Act, 42 U.S.C. § 7661b, sets forth the requirement to submit a timely, accurate, and complete application for a permit, including information required to be submitted with the application.

39. Section 504(a) of the Act, 42 U.S.C. § 7661c(a), requires that each Title V permit include enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with applicable requirements, including those contained in a SIP.

**Maryland Part 70 Permitting Program**

40. The Maryland regulations governing the Title V permitting program ("Part 70 permitting program") are codified at Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 03 Permits, Approvals, and Registration – Title V Permits. In 2003, the EPA granted final approval to Maryland's Part 70 permitting program. 68 Fed. Reg. 1974-01 (January 15, 2003). The Maryland Title V regulations are federally enforceable pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

41. The Maryland Title V regulations provide that unless exempted under COMAR 26.11.03.01.B, the owner or operator of a major source "shall apply for and obtain a Part 70 Permit." COMAR 26.11.03.01A(1).

42. The Maryland Title V regulations provide that unless exempted under COMAR 26.11.03.01.D, "an owner or operator of a Part 70 source may not operate the source after the time that it is required to submit a timely and complete application unless the source in compliance with a Part 70 permit." COMAR 26.11.03.01C.

**National Emission Standards for Hazardous Air Pollutants ("NESHAP") Subpart DD - Off-Site Waste and Recovery Operations**

43. The EPA promulgated the General Provisions of the National Emission Standards for Hazardous Air Pollutants for Source Categories on March 16, 1994. *See* 59 Fed. Reg. 12,430. The General Provisions are codified at 40 C.F.R. §§ 63.1-63.16.

44. The EPA promulgated the NESHAP for Source Categories for Off-Site Waste and Recovery Operations on July 1, 1996 (hereinafter "Subpart DD"). *See* 61 Fed. Reg. 34,158, codified at 40 C.F.R. §§ 63.680- 63.698.

45. 40 C.F.R. § 63.680(a) states that Subpart DD applies, in part, to the owner and operator of a plant site that is a major source of Hazardous Air Pollutant ("HAP") emissions, as that term is defined in 40 C.F.R. § 63.2, and is regulated as a hazardous waste treatment, storage, disposal, recycling, or re-processing under 40 C.F.R. Part 264 or 265, if the waste management operations receive off-site materials, as that term is defined in 40 C.F.R. § 63.680, containing one or more HAP listed in Table 1 of 40 C.F.R. Part 63, Subpart DD, otherwise referred to as or volatile organic hazardous air pollutants ("VOHAP").

46. A "major source" is defined in the NESHAP regulations as "any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence." 40 C.F.R. § 63.2.

47. 40 C.F.R. § 63.680(d) provides that an owner or operator of an affected source, as that term is defined in 40 C.F.R. § 63.680(c), is exempted from the requirements under 40 C.F.R. §§ 63.682-63.699, "when the total annual quantity of the HAP that is contained in the off-site material received at the plant site is less than 1 megagram per year," provided that it meets the requirements of 40 C.F.R. § 63.680(d)(1)-(3).

48. 40 C.F.R. § 63.683(b)(1) requires each off-site material management unit that is part of an affected source and not exempted by 40 C.F.R. § 63.683(b)(2), to:

    a. Satisfy the applicable standards in 40 C.F.R. §§ 63.685-63.689;
    b. Remove or destroy HAP in the off-site material before placing the material in the offsite material management unit by treating the material in accordance with the standards specified in 40 C.F.R. § 63.684; or
    c. Determine before placing off-site material in the off-site material management unit that that the average VOHAP concentration of the off-site material at the point-of-delivery, using the procedures specified in 40 C.F.R. § 63.694(b), is less than 500 parts per million by weight (ppmw).

49. 40 C.F.R. § 63.683(b)(2)(i) provides that "[a]n off-site material management unit is exempted from the requirements of 40 C.F.R. § 63.683(b)(1) if it is also subject to another subpart under 40 C.F.R. Part 63 or 40 C.F.R. Part 61, and the owner or operator is controlling the HAP listed in Table 1 of this subpart that are emitted from the unit in compliance with the provisions specified in the other applicable subpart under Part 61 or Part 63.

50. 40 C.F.R. § 63.683(b)(2)(ii) provides that one or more off-site material management units may be exempted from the requirements under 40 C.F.R. § 63.683(b)(1) where the total annual quantity of the HAP that is contained in the off-site material placed in the units is less than 1 megagram per year, provided that:

a. Each off-site material management unit to be exempted is designated by permanent marking or written notification to the Administrator;
b. An initial determination of the total annual HAP quantity in the offsite material placed in the exempt units is prepared and maintained; and
c. A new determination is performed whenever the extent of changes to the quantity or composition of the off-site material placed in the exempted units could cause the total annual HAP content in the off-site material to exceed 1 megagram per year.

51. 40 C.F.R. § 63.680(e)(2), in relevant parts, states that "[n]ew affected sources that commenced construction or reconstruction after October 13, 1994, but on or before July 2, 2014, shall be in compliance with the tank requirements of § 63.685(b)(2) 2 years after the publication date of the final amendments, the equipment leak requirements of § 63.691(b)(2) 1 year after the publication date of the final amendments, and the pressure relief device monitoring requirements of § 63.691(c)(3)(i) and (ii) 3 years after the effective date of the final amendments."

52. 40 C.F.R. § 63.683(d) requires control of equipment leaks from each equipment component that is part of the affected source specified in 40 C.F.R. § 63.680(c)(3), such as pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, or instrumentation systems, by implementing leak detection and control measures in accordance with the standards specified in 40 C.F.R. § 63.691, for all equipment components that meet the following criteria:

a. The equipment component contains or contacts off-site material having a total HAP concentration equal to or greater than 10 percent by weight; and
b. The equipment component is intended to operate for 300 hours or more during a calendar year in off-site material service.

53. 40 C.F.R. § 63.683(e) requires "[a]t all times, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. . . . Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source"

54. Specific standards in Subpart DD are described in detail in the NESHAP regulations at 40 C.F.R. §§ 63.685-63.697.

## III. FACTUAL BACKGROUND

55. PMI is an environmental services corporation incorporated and registered in the State of Maryland. PMI's business includes disposal, processing, and recycling of hazardous and non-hazardous waste.

56. PMI's corporate office is located at 2138 Priest Bridge Ct., Ste. 10, Crofton, MD 21114.

57. PMI is the owner and operator of the facility located at 5220 and 5218 Curtis Avenue, Baltimore, MD 21226 ("the Facility"), which consists of receiving, separating and processing petroleum contaminated waste materials, including liquids, sludge and solids for disposal.

58. On September 8, 14, 15, and 16, 2020, the EPA conducted off-site mobile air monitoring.

59. On September 14-15, 2020, the EPA conducted an on-site inspection ("Site Inspection") at the Facility.

60. On October 15, 2020, the EPA sent a Site Inspection Report to PMI.

**Off-site Geospatial Measurement of Air Pollution Survey**

61. On September 8, 14, 15, and 16, 2020, the EPA inspectors detected VOC and toluene from off-site locations downwind of the Facility using the Geospatial measurement of air pollution ("GMAP") specified in EPA Other Test Method 33A ("OTM 33A"). The results of the GMAP survey are summarized in the paragraphs below.

62. On September 8, 2021, using OTM 33A, the EPA measured downwind of the Facility a maximum VOC concentration of 501.4 parts-per-billion by volume ("ppbV"), and a maximum toluene concentration measurement of 50.0 ppbV.

63. On September 14, 2020, using OTM 33A, the EPA measured at multiple points downwind of the Facility maximum VOC concentrations of 441.6 ppbV, 1,098.0 ppbV, and 2,954.9 ppbV.

64. On September 15, 2020, using OTM 33A, the EPA measured downwind of the Facility a maximum VOC concentration of 1,228.2 ppbV.

65. On September 16, 2020, using OTM 33A, the EPA measured at multiple points downwind of the Facility maximum VOC concentrations of 1,007.3 ppbV, 1,090.4 ppbV, and 884.4 ppbV.

**On-site CAA Inspection of the Facility**

66. On September 14, 2020, EPA CAA inspectors entered the Facility to conduct a Site Inspection. Observations made during the Site Inspection are described in the paragraphs below.

67. The EPA inspectors observed the operation of process equipment used for storing, treating and disposing of petroleum contaminated waste.

68. The EPA inspectors observed process tanks and containers that were either uncovered with no roof or partially open, i.e., open hatches and open vents on the roof.

69. The EPA inspectors observed strong odors of petroleum hydrocarbons present around the process areas and equipment.

70. Using an optical gas imaging ("OGI") camera, EPA inspectors detected VOC emissions emanating from and around the process equipment, including emissions coming from several tanks which had "WATER ONLY" painted on the exterior surface and from the container

identified by PMI in its response to the EPA's Information Request, described in paragraph 76 below, as the "Solidification Pit".

71. The EPA inspectors did not observe a vapor capture system, process vents, or any other air pollution control equipment installed at the Facility.

**Air Canister Sampling of Process Tanks and Containers at the Facility**

72. On September 15, 2020, EPA inspectors and a representative from Maryland Department of the Environment ("MDE") entered the Facility to conduct air canister sampling of the headspaces of several process tanks and containers.

73. The MDE representative collected several grab samples approximately one foot into the headspace of four separate process tanks, including (as identified in PMI's response to the EPA's Information Request described in paragraph 76 below) Strainer Box 2, Solidification Pit, Strainer Box 3, and Temporary Frac Tank, to analyze for VOC and HAP, using EPA Method TO-15 and Photochemical Assessment Monitoring Stations (PAMS) method specific in 40 C.F.R. Part 58.

74. Using a photoionization detector ("PID"), the EPA inspectors measured VOC concentrations (as isobutylene) ranging from 605 ppbV to 2,026,000 ppbV in the headspaces of the sampled tanks described in paragraph 73 above.

75. Results from canister analysis indicated that the sampled headspaces of the process tanks described in paragraph 73 above, contained significant concentrations of VOHAP that are listed in Table 1 of 40 C.F.R. Part 63, Subpart DD, including: 1,1,2-trichloroethane, 1,2,4-trichlorobenzene, 1,3-butadiene, 1,4-dichlorobenzene, 2,2,4- trimethylpentane, acrolein, acrylonitrile, benzene, carbon disulfide, chloroform, ethylbenzene, hexane, m & p-xylene, methyl ethyl ketone (2-butanone), methyl isobutyl ketone, methylene chloride, o-xylene, styrene, toluene, and vinyl acetate.

**CAA Records Review**

76. On November 19, 2020, the EPA issued an Information Request to PMI, pursuant to Section 114(a) of the Act, 42 U.S.C. § 7414(a), among other authorities, requesting five years of records including, but not limited to the waste received and discharged at the Facility, air emissions statements, process equipment and air pollution controls at the Facility, air permits and fluid sampling analysis for the Facility.

77. On February 12, 2021, PMI responded to the EPA's Information Request.

78. According to PMI's Information Request response, activity at the Facility "consists of receiving, separating and processing petroleum contaminated waste materials, including liquids, sludge and solids, for disposal." According to PMI, the petroleum contaminated waste materials include petroleum impacted wastewater, gasoline, No. 2 fuel oil, motor oil, diesel, hydraulic oils, and mineral oils. According to PMI, the represented true vapor pressure of the received petroleum contaminated waste ranges between 4.14 to 6.23 psia.

79. According to PMI's Information Request response, speciation analysis of liquid samples obtained from the Waste Water ("WW") Feed Tanks contained concentrations of VOHAP that are listed in Table 1 of 40 C.F.R. Part 63, Subpart DD, including: Benzene, 2-Butanone (or Methyl ethyl ketone), Ethyl benzene, Methyl tert butyl ether, Cumene, Napthalene, Toluene, o-Xylene, m- Xylene and p-Xylene.

80. According to PMI's Information Request response, "[u]sed oils and off-spec petroleum products are off-loaded into bulk tanks for storage and re-sale for recycling. Mixtures of oily water, sludge and solids, such as material from oil/water separators, grit pits, containment sumps and tank bottoms are unloaded into bulk storage for gravity and density separation."

81. According to PMI's Information Request response, "[i]ncoming waste streams are identified as used oil or virgin petroleum product for recycling and certified as non-haz[arduous] by the Generator certification statement. . . .Petroleum contaminated wastewater streams are identified as originating from a virgin petroleum source of groundwater impacted by a virgin petroleum source."

82. According to PMI's Information Request response, the liquid-phase hydrocarbons from the bulk separation tanks are "transferred to the appropriate storage tanks for recycling. The water fraction of this separation process is transferred out through an oil/water separator and strainer vessel to further remove any oils and to screen out any debris and solids before the liquid is entered into the water treatment facility where it is further treated for discharge, under permit, to the Baltimore City sanitary system. Separated sludges and solids are removed from the separation tanks and strainer boxes by vacuum truck to be emptied into the solidification pit to be mixed with sawdust . . .and can be trucked for off-site disposal at an accepting landfill facility."

83. According to PMI's Information Request response, the Facility was originally constructed and commenced operation in 2011 and modified in 2013, 2017, 2018, 2019, and 2020, as summarized in the table below:

| Process Unit | Design Capacity (gallons) | Date of Construction |
|---|---|---|
| Batch Tank 1 | 21,000 | 2019 |
| Batch Tank 2 | 21,000 | 2019 |
| Bio-Tank 1 | 12,500 | 2017 |
| Bio-Tank 2 | 12,500 | none provided |
| Tank #1 | 20,000 | 2013 |
| Tank #2 | 20,000 | 2013 |
| Tank #3 | 20,000 | 2013 |
| Tank #4 | 20,000 | 2013 |
| Tank #5 | 1,500 | 2011 |
| Tank #6 | 3,000 | 2011 |
| Tank #7 | 275 | 2011 |
| Tank #8 | 275 | 2011 |
| Tank #9 | 275 | 2011 |
| Tank #10 | 275 | 2018 |
| Tank #11 | 6,000 | 2017 |
| Tank #12 | 6,000 | 2017 |
| Tank #13 | 6,000 | 2017 |
| Tank #14 | 6,000 | 2017 |
| Tank #15 | 5,000 | 2018 |

| Process Unit | Design Capacity (gallons) | Date of Construction |
|---|---|---|
| Tank #16 | 5,000 | 2018 |
| Tank #17 | 5,000 | 2018 |
| Tank #18 | 5,000 | 2018 |
| Tank #19 | 5,000 | 2018 |
| Tank #20 | 5,000 | 2018 |
| Tank #21 | 5,000 | 2018 |
| Tank #22 | 5,000 | 2018 |
| Tank #23 | 5,000 | 2018 |
| Tank #24 | 3,000 | 2017 |
| Tank #25 | 3,000 | 2017 |
| Solidifcation Pit | 30 $yd^3$ | 2018 |
| Strainer Box #1 | 10,000 | 2013 |
| Strainer Box #2 | 2,200 | 2017 |
| Strainer Box #3 | 1,000 | 2017 |
| Surplus Wastewater Holding Tank | 18,000 | 2020 |
| WW Receiving Tank 1 | 21,000 | 2019 |
| WW Feed Tank 1 | 21,000 | 2019 |
| WW Feed Tank 2 | 21,000 | 2019 |

84. According to PMI's Information Request response, for each calendar year beginning in 2016, the Facility received, transferred, and discharged waste quantities, as summarized in the table below:

| Calendar Year | Petroleum Contaminated Wastewater Received (gallons) | Used Oils Received (gallons) | Petroleum Contaminated Solids Received (gallons) | Processed Wastewater Discharged (gallons) | Wastewater Transferred Off-Site (gallons) | Used Oils Transferred Off-Site (gallons) | Solids Transferred Off-Site (tons) |
|---|---|---|---|---|---|---|---|
| 2016 | 1,373,431 | 15,227 | 143,186 | 115,588 | 1,423,926 | - | 504 |
| 2017 | 2,548,079 | 32,962 | 210,363 | 401,406 | 2,035,558 | 17,457 | 768 |
| 2018 | 2,714,055 | 28,570 | 246,258 | 207,567 | 2,417,147 | 52,633 | 1,622 |
| 2019 | 3,260,470 | 28,506 | 335,281 | 92,550 | 3,054,784 | 18,038 | 1,492 |
| 2020 | 2,423,802 | 26,225 | 307,963 | 410,000 | 1,748,271 | - | 2,929 |

85. According to PMI's Information Request response, the company did not apply for or obtain a permit to construct or operate an air emission source, stating that an "[a]pplicable air emission source was not identified at the time of construction."

86. According to PMI's Information Request response, PMI does not have any physical or operational limitation on the capacity of the sources at the Facility to emit pollutants, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed.

87. In response to the EPA's Information Request, PMI provided PTE emission calculations for 33 tanks located at the Facility. Each tank is an installation or source of VOC emissions, including HAP. PMI stated in its response that it does not route emissions from the sources through a closed vent system, stack or other means for comingling the emissions. PMI provided the dates of construction (by year) of each emission source. PMI's PTE calculations include the hourly potential emission rate for each source operating at maximum capacity.

**Waste Management Operation**

88. According to PMI's Information Request response, PMI is a waste management operation that treats or manages off-site wastewater containing as much as 90% gasoline by volume.

89. According to PMI's Information Request response, the wastewater managed at the Facility is not produced or generated within PMI's plant site, rather, it is delivered, transferred, or otherwise moved to PMI's plant site from a location outside the boundaries of the plant site, primarily by bulk tank truck deliveries.

## IV. FINDINGS OF VIOLATIONS

### COUNTS 1-3
### Failure to Apply for and Obtain an NNSR Permit

90. PMI's Facility is located in Baltimore, MD, which is and at all times relevant to the allegations in this NOVOC, has been designated as a nonattainment area for ozone.

91. PMI constructed the Facility in 2011 and added process equipment to the Facility by constructing process equipment at the Facility in 2013, 2017, 2018, 2019 and 2020.

92. The process equipment at PMI's Facility are "installations" as that term is defined at COMAR 26.11.01.01B(19).

93. In response to the EPA's Information Request, PMI provided PTE calculations for each individual VOC, including individual HAP, emitted from each source at the Facility, including the hourly PTE rate when the source is operating at maximum capacity.

94. Based on records provided by PMI in its response to the EPA's Information Request, including emissions and production data, the EPA calculated the potential annual emissions for each source at the Facility operating at maximum capacity at the time prior to and after construction of the Facility by extrapolating the Facility's hourly VOC emission rate. The PTE analysis shows that operating at maximum capacity the Facility's PTE at construction in 2011 was greater than 25 TPY VOC.

95. Based on records provided by PMI in its response to the EPA's Information Request, including emissions and production data, the EPA has determined that since its construction in 2011, PMI's Facility has had the PTE at least 25 TPY VOC.

96. Based on records provided by PMI in its response to the EPA's Information Request, PMI's Facility was and has been a "major stationary source" as that term is defined in COMAR 26.11.02.01C(1)(c)(i) since it was constructed in 2011 because it has had the PTE 25 TPY or more of VOC.

97. Based on records provided by PMI in its response to the EPA's Information Request, PMI did not propose an emission limitation which specifies the lowest achievable emissions rate when it constructed and/or modified the Facility pursuant to COMAR 26.11.17.03B(2).

98. Based on records provided by PMI in its response to the EPA's Information Request, PMI did not provide for emission offsets for VOC from existing sources in the area impacted that equal or exceed 1.3 to 1 when it constructed and/or modified the Facility pursuant to COMAR 26.11.17.03B(3)(a).

99. Based on records provided by PMI in its response to the EPA's Information Request, including emissions and production data, the EPA calculated monthly actual emissions for the Facility that relied on records of the material volumes and pollutant loading representations. The actual emissions analysis shows that the Facility's emissions were greater than 25 TPY of VOC for 2016 through 2020.

100. Based on records provided by PMI in its response to the EPA's Information Request, including emissions calculations and dates of construction, PMI modified the Facility in 2017 by constructing the following process units: Bio-Tank 1, Tanks #11-14, Tanks #24-25, Strainer Box #3, and Strainer Box #4.

101. Based on the information available to the EPA, the EPA believes that the modifications made to the Facility in 2017 resulted in a significant emissions increase of greater than 25 TPY of VOC.

102. Based on the information available to the EPA, the EPA believes that the 2017 modifications made at PMI's Facility did not result in any decreases in VOC emissions.

103. Based on records provided by PMI in its response to the EPA's Information Request, including emissions calculations and dates of construction, PMI modified the Facility in 2018 by constructing the following process units: Tank #10, Tank #15, Tanks #16-23, and the Solidification Pit.

104. Based on the information available to the EPA, the EPA believes that the modifications made to the Facility in 2018 resulted in a significant emissions increase of greater than 25 TPY of VOC.

105. Based on the information available to the EPA, the EPA believes that the 2018 modifications made at PMI's Facility did not result in any decreases in VOC emissions.

106. Based on records provided by PMI in its response to the EPA's Information Request, including emissions calculations and dates of construction, PMI modified the Facility in 2019 by constructing the following process units: Batch Tank 1, Batch Tank 2, WW Receiving Tank 1, WW Feed Tank 1, and WW Feed Tank 2.

107. Based on the information available to the EPA, the EPA believes that the modifications made to the Facility in 2019 resulted in a significant emissions increase of greater than 25 TPY of VOC.

108. Based on the information available to the EPA, the EPA believes that the 2019 modifications made at PMI's Facility did not result in any decreases in VOC emissions.

109. Based on records provided by PMI in its response to the EPA's Information Request, the EPA calculated the annual potential emissions for each source at the Facility operating at maximum capacity at the time prior to and after modification of the Facility by extrapolating the Facility's hourly VOC emission rate.

110. Based on records provided by PMI in its response to the EPA's Information Request, the EPA compared the 24-month rolling average actual emission rate for the period prior to construction to the 12-month rolling average actual emission rate for the period after construction, but prior to the next modification. Based on these calculations, the EPA believes that the modifications in 2017, 2018 and 2019 were "major modifications", as that term is defined in COMAR 26.11.17.01B(16).

111. At all times relevant to violations alleged herein, PMI's facility is, and has been, a major stationary source of VOC, as that term is defined in COMAR 26.11.02.01C(1)(c)(i), in a nonattainment area for ozone and, as such, is subject to the NNSR requirements pursuant to Title 26 of the Code of Maryland Regulations, Subtitle 11 on Air Quality, Chapter 17 Nonattainment Provisions for Major New Sources and Major Modifications.

112. Based on records provided by PMI in its response to the EPA's Information Request, at no time prior to, during, or after construction or modifications of the Facility did PMI apply for or obtain any NNSR permits.

113. PMI's failures to apply for and obtain NNSR permits for the modifications of the Facility identified in the above paragraphs are violations of COMAR 26.11.02.09A(1) (2009) and 26.11.17.03.

114. PMI's failures to comply with COMAR 26.11.02.09A(1) and 26.11.17.03 are violations of the Maryland SIP and the CAA

**COUNT 4**
**Failure to Comply with the Requirements for Off-Site Material Management Units**

115. Based on records provided by PMI in its response to the EPA's Information Request, including emissions calculations, PMI's Facility has the PTE greater than 25 TPY of combined HAPs, including Benzene; Ethyl benzene; Methyl tert-butyl ether; Napthalene; Toluene; o-Xylene; m-Xylene; and p-Xylene.

116. In response to the EPA's Information Request, PMI provided PTE calculations for each individual HAP emitted from each source at the Facility, including the hourly PTE rate when the source is operating at maximum capacity.

117. Based on records provided by PMI in its response to the EPA's Information Request, including emissions and production data, the EPA calculated the annual potential emissions for each source at the Facility operating at maximum capacity at the time prior to and after construction of the Facility by extrapolating the Facility's hourly HAP emission rate. The PTE analysis shows that operating at maximum capacity the Facility's PTE at construction in 2011 was greater than 25 TPY of combined HAP for the HAPs identified in paragraph 115.

118. Based on records provided by PMI in its response to the EPA's Information Request, including emissions and production data, the EPA calculated monthly actual emissions for the Facility that relied on records of the material volumes and pollutant loading representations. The actual emissions analysis shows that the Facility's emissions were greater than 25 TPY of combined HAPs for 2016 through 2020.

119. Based on records provided by PMI in its response to the EPA's Information Request, and from information obtained during the EPA's Site Inspection of the Facility, the Facility is a major source of HAPs as defined in 40 C.F.R. § 63.2 because it has the PTE at least 25 TPY of combined HAPs.

120. Based on records provided by PMI in its response to the EPA's Information Request, the wastewater received by PMI at the Facility is off-site material as that term is defined in 40 C.F.R. § 63.680(b).

121. Based on records provided by PMI in its response to EPA's Information Request and from information obtained during the EPA's Site Inspection of the Facility, the off-site material management units at PMI include tanks, containers, oil-water separators, organic-water separators, or transfer systems used to manage the off-site material and also include pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems.

122. Based on records provided by PMI, the total annual quantity of HAP contained in the off-site material placed in the off-site material management units at PMI's Facility is more than 1 megagram per year.

123. Records provided by PMI in its response to the EPA's Information Request included analysis of liquids sampled from WW Feed Tanks 1 and 2 that contained concentrations of HAPs. Tank headspace grab samples that were obtained during the EPA's Site Inspection of the Facility from Strainer Box 2, Solidification Pit, Strainer Box 3, and Temporary Frac Tank contained concentrations of HAPs.

124. Based on records provided by PMI in its response to the EPA's Information Request, the composition of the wastewater at the point of delivery to PMI's Facility is an off-site material because it is a waste, and it contains several of the HAPs listed in Table 1 of 40 C.F.R. Part 63, Subpart DD, including Benzene; Ethyl benzene; Methyl tert-butyl ether; Napthalene; Toluene; o-Xylene; m-Xylene; and p-Xylene. *See* 40 C.F.R. § 63.680(b).

125. PMI is the owner and operator of the Facility, which is a major source of HAP emissions, as that term is defined in 40 C.F.R. § 63.2, as discussed in paragraphs 115-119 above.

126. Based on records provided by PMI in its response to the EPA's Information Request, and from information obtained during the EPA's Site Inspection of the Facility, the Facility is an "affected source" pursuant to 40 C.F.R. § 63.680 because located at the Facility are one or more operations that receive off-site materials as specified in 40 C.F.R. § 63.680(b) and the operation is a waste management operation that receives off-site material and the operation is regulated as a hazardous waste treatment, storage, and disposal facility under either 40 CFR part 264 or part 265.

127. Based on records provided by PMI in its response to the EPA's Information Request, the EPA believes that PMI's Facility is, and at all times relevant herein, was a source of VOHAP emissions including: 1,1,2-trichloroethane, 1,2,4-trichlorobenzene, 1,3-butadiene, 1,4-dichlorobenzene, 2,2,4- trimethylpentane, acrolein, acrylonitrile, benzene, carbon disulfide, chloroform, ethylbenzene, hexane, m & p-xylene, methyl ethyl ketone (2-butanone), methyl isobutyl ketone, methylene chloride, o-xylene, styrene, toluene, and vinyl acetate. *See* 40 C.F.R. § 63.680(a)(1). The VOHAPs listed above are also VOCs.

128. Based on records provided by PMI in its response to the EPA's Information Request, the composition of the wastewater at the point of delivery to PMI's Facility is an off-site material because it is a waste and it contains several of the HAPs listed in Table 1 of 40 C.F.R. Part 63, Subpart DD, including Benzene; Ethyl benzene; Methyl tert-butyl ether; Napthalene; Toluene; o-Xylene; m-Xylene; and p-Xylene. *See* 40 C.F.R. § 63.680(b).

129. Based on records provided by PMI in its response to the EPA's Information Request and information obtained during the EPA's Site Inspection of the Facility, PMI allows VOCs, including HAP and VOHAP, in the off-site material to emit directly to the atmosphere from tanks and containers that contain the off-site waste.

130. Based on records provided by PMI in its response to the EPA's Information Request and from information obtained during the EPA's Site Inspection of the Facility, PMI does not operate air pollution control equipment at the Facility, including vapor combustion equipment capable of

destroying or removing HAP.

131. Based on records provided by PMI in its response to the EPA's Information Request, the average VOHAP concentration of the off-site material at the point-of-delivery is more than 500 ppmw.

132. Based on records provided by PMI in its response to the EPA's Information Request, and from information obtained during the EPA's Site Inspection of the Facility, the emission limitations required by 40 C.F.R. Part 63, Subpart DD apply to the off-site material management units at PMI's Facility.

133. PMI's is subject to Subpart DD and has failed to comply with Subpart DD and the CAA, including 40 C.F.R. §§ 63.683(b)(1), 63.684, 63.685, 63.686 and 63.689 since 2011 when the Facility was constructed and began emitting VOHAPs in excess of 25 TPY.

**COUNT 5**
**Failure to Operate and Maintain Off-Site Waste Material Management Units in a Manner Consistent with Safety and Good Air Pollution Control Practices for Minimizing Emissions**

134. Based on records provided by PMI in its response to the EPA's Information Request, EPA believes that PMI's Facility is, and at all times relevant herein, was a source of VOCs, HAP and VOHAP emissions, including: 1,1,2-trichloroethane, 1,2,4-trichlorobenzene, 1,3-butadiene, 1,4-dichlorobenzene, 2,2,4- trimethylpentane, acrolein, acrylonitrile, benzene, carbon disulfide, chloroform, ethylbenzene, hexane, m & p-xylene, methyl ethyl ketone (2-butanone), methyl isobutyl ketone, methylene chloride, o-xylene, styrene, toluene, and vinyl acetate. *See* 40 C.F.R. § 63.680(a)(1).

135. Based on records provided by PMI in its response to the EPA's Information Request, and from information obtained during the EPA's Site Inspection of the Facility, the emission limitations required by 40 C.F.R. Part 63, Subpart DD apply to the off-site material management units at PMI's Facility.

136. Based on records provided by PMI in its response to the EPA's Information Request , and from information obtained during the EPA's Site Inspection of the Facility, PMI allows VOCs, including HAP and VOHAP, in the off-site material to emit directly to the atmosphere from process equipment, including tanks and containers that contain the off-site waste.

137. PMI's failure to operate and maintain their off-site waste material management units in a manner consistent with safety and good air pollution control practices for minimizing emissions is a violation of 40 C.F.R. § 63.683(e) and the CAA.

**COUNT 6**
**Operation of a Title V Source Without a Permit**

138. PMI's Facility is a major stationary source because it has the PTE more than 25 TPY VOCs, as described in the paragraphs above, and is a major source of HAP subject to a NESHAP standard, as described above.

139. As of the date of this NOVOC, PMI has not applied for nor obtained a Title V Permit for the operation of a major stationary source of VOC and major source subject to a NESHAP standard per section 112 of the CAA,42 U.S.C. § 7412, as required by COMAR 26.11.03.01A(1).

140. PMI's operation of the Facility without a Title V permit issued under COMAR 26.11.03 is a violation of COMAR 26.11.03.01C and Section 502 of the CAA, 42 U.S.C. § 7661a.

**COUNT 7**
**Discharging VOCs Above the Regulated Quantities.**

141. Based on records provided by PMI in its response to the EPA's Information Request and information obtained during the EPA's Site Inspection of the Facility, PMI treats, discharges and disposes of petroleum-contaminated waste containing VOC at a rate greater than 25 TPY, which it receives from off-site.

142. Based on records provided by PMI in its response to the EPA's Information Request, including emissions calculations, and from observations made during the EPA's Site Inspection of the Facility, the process equipment at PMI's Facility used to store and separate petroleum-contaminated waste discharges VOC with a vapor pressure greater than 0.002 psia in excess of 20 pounds per day.

143. Based on records provided by PMI in its response to the EPA's Information Request and information obtained during the EPA's Site Inspection of the Facility, including emissions calculations, the EPA believes PMI has not reduced the VOC discharged from its process equipment at the Facility by 85 percent or more overall.

144. PMI's discharge of VOC with a vapor pressure greater than 0.002 psia from its process equipment in excess of 20 pounds per day without reducing VOC discharge by 85% or more is a violation of COMAR 26.11.06.06B(1)(b).

145. PMI's failure to comply with COMAR 26.11.06.06B(1)(b) is a violation of the Maryland SIP and the CAA.

**COUNT 8**
**Causing or Permitting the Discharge of VOC from a VOC-Water Separator**

146. Based on records provided by PMI in its response to the EPA's Information Request and observations made during the EPA's Site Inspection of the Facility, PMI operates a system of VOC-water separators, which gravity separate and screen out petroleum contaminated waste. The VOC-water separators are uncovered or partially open to the atmosphere.

147. Based on records provided by PMI in its response to the EPA's Information Request, including emissions calculations and the waste quantities received, the VOC-water separators at the Facility receive liquid waste containing 200 gallons of VOC or more per day with a true vapor pressure greater than 1.5 psi. PMI has not installed or operated any vapor control devices at the Facility or any other equally effective devices as approved by MDE.

148. PMI's discharge of VOC from the VOC-water separators at the Facility without vapor control devices is a violation of COMAR 26.11.06.06C.

149. PMI's failure to comply with COMAR 26.11.06.06C is a violation of the Maryland SIP and the CAA.

**COUNT 9**
**Treating or Disposing of Waste Containing VOC into the Atmosphere Above Allowable Limits**

150. Based on records provided by PMI in its response to the EPA's Information Request and information obtained during the EPA's Site Inspection of the Facility, including emissions calculations, PMI treats or disposes of waste containing VOC in a manner that results in evaporation of greater than 20 pounds per day VOC to the atmosphere.

151. PMI's treatment or disposal of waste containing VOC from its Facility that results in evaporation of greater than 20 pounds VOC per day to the atmosphere is a violation of COMAR 26.11.06.06D(2).

152. PMI's failure to comply with COMAR 26.11.06.06D(2), is a violation of the Maryland SIP and CAA.

**COUNT 10**
**Violation of the Failure to Submit an Annual Emissions Statement**

153. Based on records provided by PMI in its response to the EPA's Information Request, the EPA has determined that PMI's Facility is and at all times relevant to the alleged violations herein was, a source of VOC emissions equal to or greater than 25 TPY since its construction in 2011.

154. As of the date of this NOVOC, PMI has not submitted an emissions statement to MDE for at least calendar years 2016 through 2020.

155. Failure to submit an emissions statement for years 2016 through 2020 is a violation of COMAR 26.11.01.05-1**.**

156. PMI's failure to comply with COMAR 26.11.01.05-1 is a violation of the Maryland SIP and CAA.

## V. ENFORCEMENT PROVISIONS

157. Sections 113(a)(1) and (3) of the Act, 42 U.S.C. §§ 7413(a)(1) and (3), provide that the Administrator may take an enforcement action, whenever, on the basis of any information available to the Administrator and following thirty (30) days notice, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of the provisions of an applicable SIP or the Act.

158. The EPA is extending PMI an opportunity to advise the EPA, via a conference call or in writing, of any further information the EPA should consider with respect to the alleged violations. Please reply within thirty (30) calendar days following receipt of this letter to Bruce Augustine at (215)

814-2131 or augustine.bruce@epa.gov, or if you are represented by counsel, have your counsel reply to Hannah Leone, Assistant Regional Counsel at (215) 814-2673 or leone.hannah@epa.gov as to whether PMI would like to schedule such a conference. The EPA may pursue enforcement options if there is no response to this NOV.

05/18/2021
Date

KAREN MELVIN
Digitally signed by KAREN MELVIN
Date: 2021.05.18 12:10:41 -04'00'

Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA, Region III